

PHILLIP A. TALBERT  
United States Attorney  
SAM STEFANKI  
Assistant United States Attorney  
501 I Street, Suite 10-100  
Sacramento, CA 95814  
Telephone: (916) 554-2700  
Facsimile: (916) 554-2900

Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
GABRIEL DIOP,  
  
Defendant.

CASE NO. 2:21-CR-00106-WBS  
  
STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
ORDER  
  
DATE: October 16, 2023  
TIME: 9:00 a.m.  
COURT: Hon. William B. Shubb

**STIPULATION**

Plaintiff United States of America (the “government”), by and through its counsel of record, and  
defendant Gabriel Diop, by and through his counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on October 16, 2023.
2. By this stipulation, the defendant now moves to continue the status conference until  
October 30, 2023 at 9:00 a.m., and to exclude time between October 16, 2023, and October 30, 2023,  
under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
  - a) The government has represented that the discovery associated with this case  
includes more than 15,000 pages of discovery, images, and video files, all of which are subject to  
a protective order. Following defense counsel’s recent appointment as counsel of record, the  
government produced the entirety of this discovery and made additional material available for

1 inspection and copying pursuant to Rule 16(a)(1)(E) of the Federal Rules of Criminal Procedure.  
2 Additionally, the government recently produced more than 500 pages of additional discovery to  
3 defense counsel.

4 b) Counsel for the defendant desires additional time to review this produced  
5 discovery, consult with his client, review the charges, conduct investigation and research related  
6 to the charges, discuss potential resolutions with his client and counsel for the government,  
7 prepare pretrial motions, and otherwise prepare for trial. Additionally, counsel for the defendant  
8 recently retained an immigration expert for the purpose of advising his client about the potential  
9 immigration consequences of any possible conviction. Counsel for the defendant desires  
10 additional time to coordinate with this immigration expert and understand his client's options  
11 related to any such possible immigration consequences.

12 c) Counsel for the defendant believes that failure to grant the above-requested  
13 continuance would deny him the reasonable time necessary for effective preparation, taking into  
14 account the exercise of due diligence.

15 d) The government does not object to the continuance.

16 e) Based on the above-stated findings, the ends of justice served by continuing the  
17 case as requested outweigh the interest of the public and the defendant in a trial within the  
18 original date prescribed by the Speedy Trial Act.

19 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
20 et seq., within which trial must commence, the time period of October 16, 2023, to October 30,  
21 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
22 T4] because it results from a continuance granted by the Court at the defendant's request on the  
23 basis of the Court's finding that the ends of justice served by taking such action outweigh the  
24 best interest of the public and the defendant in a speedy trial.

25 ///

26 ///

27 ///

28 ///

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: October 11, 2023

PHILLIP A. TALBERT  
United States Attorney

/s/ SAM STEFANKI  
SAM STEFANKI  
Assistant United States Attorney


Dated: October 11, 2023

/s/ DOUGLAS BEEVERS  
DOUGLAS BEEVERS  
Counsel for Defendant  
GABRIEL DIOP

**FINDINGS AND ORDER**

IT IS SO FOUND AND ORDERED.

Dated: October 13, 2023

  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE